



**Republic of the Philippines
COURT OF APPEALS**

Manila

SPECIAL ELEVENTH DIVISION

**NONITO GO A.K.A. WU YI PO, MICHAEL MANALASTAS
AND AMELIA O.
MANALASTAS A.K.A.
AMELIA P. ONG,**

Petitioners,

CA-G.R. SP NO. 136636

Members:

**LIBREA-LEAGOGO, Chairperson
*HERNANDO, and
SADANG, JJ.**

- versus -

Promulgated:

**REGIONAL TRIAL COURT OF
QUEZON CITY, BRANCH 93,
AND THE PEOPLE OF THE
PHILIPPINES,**

Respondents.

02/23/15

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DECISION

LIBREA-LEAGOGO, C.C., J.:

Before this Court is a Petition¹ for *Certiorari* and Prohibition (with prayer for preliminary prohibitory injunction and temporary restraining order) dated 04 August 2014 under Rule 65 of the Rules of Court, assailing the Orders dated 03 March 2014² and 26 May 2014³ issued by Presiding Judge Arthur O. Malabaguio of the Regional Trial Court, National Capital Judicial Region, Branch 93, Quezon City in the case entitled "*People of the Philippines v. Nonito Go a.k.a. Wu Yi Po, et al.*" in *Criminal Cases Nos. Q-08-152922* and *Q-08-152923*, which denied petitioners' Urgent Motion to Dismiss the Criminal and Civil Actions dated 04 February 2014, and the Urgent Motion for Reconsideration, respectively.

¹ Vice Associate Justice Amy C. Lazaro-Javier, per Office Order No. 51-15-RSF dated 16 February 2015

Respondent People, through the Office of the Solicitor General, filed their Comment⁴ dated 07 January 2015 which is admitted. No reply was filed.⁵ Thus, the third paragraph of the Resolution⁶ dated 26 September 2014 is reiterated and the Petition is submitted for decision.

FACTUAL ANTECEDENTS

Accused Nonito Go a.k.a Wu Yi Po, Nonito V. Manalastas, Michael Manalastas and Amelia O. Manalastas a.k.a. Amelia P. Ong were charged for violation of Section 155.1 in relation to Section 170 of Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines, in an Information⁷ dated 03 June 2008 before the Regional Trial Court of Quezon City, docketed as *Criminal Case No. Q-08-152922*, the accusatory portion of which reads:

“That on or about February 15, 2008 and prior thereto, in Quezon City, and within the jurisdiction of this Honorable Court, above-named accused, as owners/proprietors/managers and/or occupants of No. 73 G. Roxas St., Brg. (sic) Manresa(,) Quezon City, with criminal intent to defraud Nikko Kabushiki Kaisha owner of trademark 'Tombo' brand shovels, did then and there, knowingly, willfully, unlawfully and feloniously by employing deception and other means contrary to good faith, distribute, sell, offer for sale, fake and/or counterfeit (T)ombo brand shovels bearing the trademark 'Tombo' which is a false designation of (sic) original and pass them off as genuine and with such appearance as likely to deceive or cause confusion or mistake as to the original of (sic) (T)ombo brand shovels, to the damage and prejudice of Nikko Kabushiki Kaisha and the general consuming (sic) public.

CONTRARY TO LAW.”⁸

The accused were also charged for violation of Section 168 in relation to Section 170 of R.A. No. 8293, in another Information⁹ dated 03 June 2008, docketed as *Criminal Case No. Q-08-152923*, committed as follows:

“That on or about February 15, 2008 and prior thereto, in Quezon City, and within the jurisdiction of this Honorable Court, above-named accused, as owners/proprietors/managers and/or occupants of No. 73 G. Roxas St., Brg. (sic) Manresa(,) Quezon City, with criminal intent to defraud Nikko Kabushiki Kaisha owner of trademark 'Tombo' brand shovels, did then and there, knowingly, willfully, unlawfully and feloniously by employing deception and other means contrary to good faith, distribute, sell, offer for sale, fake and/or counterfeit (T)ombo brand shovels bearing the

trademark 'Tombo' which is a false designation of (sic) original and pass them off as genuine and with such appearance as likely to deceive or cause confusion or mistake as to the original of (sic) (T)ombo brand shovels, to the damage and prejudice of Nikko Kabushiki Kaisha and the general consuming (sic) public.

CONTRARY TO LAW.”¹⁰

When arraigned on 12 August 2009 in *Criminal Cases No. Q-08-152923*, and on 30 April 2010 in *Criminal Case No. Q-08-152922*, the accused refused to enter a plea, thus, the trial court entered a plea of not guilty for them.¹¹ *Criminal Case No. Q-08-152923* was ordered consolidated with *Criminal Case No. Q-08-152922* in Branch 90.¹²

Pre-trial was held and a Pre-Trial Order¹³ dated 22 August 2013 was issued by the trial court.

The accused filed an Urgent Motion to Dismiss the Criminal and Civil Actions¹⁴ dated 03 February 2014, alleging, *inter alia*, that: the Power of Attorney of M. Kishi (“Kishi,” for brevity) on behalf of Nikko Kabushiki Kaisha (“Nikko,” for brevity), a Japanese corporation, authorizing Rufino Construction Supply (“RCS,” for brevity), represented by Philip N. Coling (“Coling,” for brevity), to institute the appropriate action and recover damages for infringement of the trademark Tombo and unfair competition, and to represent it, is not authenticated which is not merely a technicality, but a question of jurisdiction; the authentication dated 29 March 2007 pertains to a certain Toshihiko Tanaki (“Tanaki,” for brevity) who is not a signatory of the Power of Attorney; and the purported signatory of the Power of Attorney, Kishi, is not shown to have been duly authorized by the Nikko Board, nor is he an officer or member of the board.

Private complainant Nikko, through Coling, filed its Comment & Opposition¹⁵ dated 07 February 2014 which alleged, *inter alia*, that: the Motion dated 13 August 2013 is similar to the instant Motion and was already passed upon by the Court of Appeals and/or the Supreme Court; Atty. Claro B. Flores (“Atty. Flores,” for brevity) abused the rules on forum-shopping as the instant Motion is a repetition of what he has filed involving the same parties and issues though a different argument this time; the Motion was not verified by the accused which is a violation of Sec. 5 of Rule 1 of the Rules of Procedure for Intellectual Property Rights Cases; the issue of whether Coling possesses a valid authority to represent the private complainant in each of these cases, was answered with a yes based on Intellectual Property Resolution No. 2009-01 in *IPC No. 14-2007-*

00347, which was sustained by the IPO Director General on 23 July 2009 in *Appeal # 14-09-08 (IPC No. 14-2007-00347)*; the issue of whether a foreign corporation doing business in the Philippines without a license has the legal capacity to maintain an action, suit or proceeding in Philippine court, was answered with a yes in *CA G.R. SP No. 113213*; there must be an end to litigation and they should not file a similar motion; and under Circular 28-91, there are penalties provided for forum-shopping.

The trial court issued the first assailed Order¹⁶ dated 03 March 2014, the decretal portion of which reads:

“WHEREFORE, in view of the foregoing, the URGENT MOTION TO DISMISS THE CRIMINAL AND CIVIL ACTIONS dated 04 February 2014 and URGENT MOTION dated 19 February 2014 filed by the (a)ccused through counsel are hereby DENIED.

The parties are hereby directed to observe the ruling of the Court of Appeals, in CA-G.R. SP No. 125608 xxx

x x x x

As to lack of verification for its various Motions, the accused is (sic) hereby directed to faithfully observe Section 5, Rule 1 provided under (the) Rules of Procedure for Intellectual Property Rights Cases.

SO ORDERED.”¹⁷

The accused filed an Urgent Motion for Reconsideration of the Order Dated March 3, 2014,¹⁸ dated 11 March 2014 to which the private complainant filed a Comment & Opposition¹⁹ dated 18 March 2014. The said Urgent Motion for Reconsideration was denied in the second assailed Order²⁰ dated 26 May 2014.

Hence, this Petition.

RULING

Petitioners raise the following ground for allowance of their Petition, *viz*:

“The respondent court exceeded its jurisdiction and gravely abused its discretion amounting to lack or excess of jurisdiction in refusing to dismiss the criminal and civil actions by ignoring the following points:

1. *The failure to have the special power of attorney authenticated is not merely a technicality but a question of jurisdiction.*

2. *The private complainant failed to show that the alleged signatory of the Power of Attorney was duly authorized to act for the corporation.*"²¹

Petitioners contend, *inter alia*, that: the prior rulings of the high courts did not dwell on the issue of jurisdiction arising from the failure to have the Power of Attorney executed abroad authenticated as it dwelt on the legal capacity and personality of the private complainant; the issue raised in the Motion to Dismiss the Cases with Prejudice was the insufficiency of the Information in *Crim. Case No. Q-08-152922* and violation of their right to speedy trial; the question presented in the Urgent Motion to Dismiss, *etc.* was the lack of authority of Coling, which was presented at the earliest opportunity but was not tackled in view of the undertaking made by private complainant's counsel that the evidence of authority would be marked as evidence for the prosecution; the prosecution is estopped from claiming that the defense is barred from questioning the alleged lack of authority during trial; the Power of Attorney purportedly executed in Japan by Kishi on behalf of private complainant, authorizing RCS, represented by Coling, to represent it is not authenticated; the authentication dated 29 March 2007 pertains to Tanaki who is not a signatory in the Power of Attorney; it was RCS, not Coling, which appears to be authorized to represent private complainant; the name of private complainant was even misspelled in the letterhead and in the notarial certificate, an indication that the Power of Attorney is allegedly spurious; Kishi, the signatory of the Power of Attorney, who acted on behalf of private complainant, is not shown to have been authorized by the board of directors; and there is no board resolution or secretary's certificate indicating the existence of the authority.

Respondent People ripostes, *inter alia*, that: petitioners are guilty of forum shopping by attempting to resurrect their original motions to quash before the trial court which raised the issue of the capacity of private complainant to bring suit against them, which matter had already been resolved by this Court; petitioners moved to quash one of the Informations for unfair competition on the grounds of duplicity of allegations and the incapacity of private complainant and its representative to bring suit against them but the same were denied by RTC Quezon City, Branches 90 and 93; this Court sustained the trial courts' Decisions in *CA-G.R. SP No. 111913* and *108891*; petitioners filed with the Supreme Court separate petitions for review on *certiorari*; the case which originated from RTC Quezon

City, Branch 90 was docketed as *G.R. No. 194148* while the case that originated from RTC Quezon City, Branch 93 was docketed as *G.R. No. 193330*; in the Resolutions dated 17 May 2011 and 30 May 2011, the Supreme Court denied the petition in *G.R. No. 194148*; in *G.R. No. 193330*, the Supreme Court similarly dismissed the petition in its 22 October 2014 Resolution; the previous Decisions of this Court in *CA-G.R. Nos. 111913, 108891, 125608* and *121764* constitute the law of the case; the denial of their motions to quash having been affirmed by the Supreme Court, petitioners' remedy is to proceed to trial; petitioners' arguments do not at all relate to the validity of the indictments against them but boil down to the truth or falsity of their defenses; the resolution of these questions will require presentation of evidence for public respondent to determine whether Coling was properly authorized to file the subject complaints; and if petitioners believe the prosecution's evidence is inadequate to prove that Coling had been given the authority to file the cases, they should wait for the prosecution to rest its case and thereafter file a demurrer to evidence on the ground of insufficiency of evidence.

Stripped of verbiage, the pivotal issue in this special civil action for *certiorari* is whether or not the trial court committed grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the assailed Orders.

We find in the negative. Not being entitled to the relief demanded in the Petition, petitioners' application for injunctive relief must perforce fail.

The petition for *certiorari* and prohibition filed by petitioner(s) with (this Court) is not the proper remedy to assail the denial by the RTC of the motion to dismiss. The Order of the RTC denying the motion to dismiss is merely interlocutory. An interlocutory order does not terminate nor finally dispose of the case, but leaves something to be done by the court before the case is finally decided on the merits. It is always under the control of the court and may be modified or rescinded upon sufficient grounds shown at any time before final judgment. This proceeds from the court's inherent power to control its process and orders so as to make them conformable to law and justice. The only limitation is that the judge cannot act with grave abuse of discretion, or that no injustice results thereby.²² By grave abuse of discretion is meant such capricious and whimsical exercise of judgment that is equivalent to lack of jurisdiction. The abuse of discretion must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and must be so patent and gross as to amount to an evasion

of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.²³ Here, no such grave abuse of discretion was committed by the trial court.

Petitioners were charged with violations of Sections 155.1 and 168, in relation to Section 170 of R.A. No. 8293, which provide:

“SECTION 155. Remedies; Infringement. — Any person who shall, without the consent of the owner of the registered mark:

155.1. Use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark or the same container or a dominant feature thereof in connection with the sale, offering for sale, distribution, advertising of any goods or services including other preparatory steps necessary to carry out the sale of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or

X X X X

SECTION 168. Unfair Competition, Rights, Regulation and Remedies. — 168.1. A person who has identified in the mind of the public the goods he manufactures or deals in, his business or services from those of others, whether or not a registered mark is employed, has a property right in the goodwill of the said goods, business or services so identified, which will be protected in the same manner as other property rights.

168.2. Any person who shall employ deception or any other means contrary to good faith by which he shall pass off the goods manufactured by him or in which he deals, or his business, or services for those of the one having established such goodwill, or who shall commit any acts calculated to produce said result, shall be guilty of unfair competition, and shall be subject to an action therefor.

168.3. In particular, and without in any way limiting the scope of protection against unfair competition, the following shall be deemed guilty of unfair competition:

(a) Any person, who is selling his goods and gives them the general appearance of goods of another manufacturer or dealer, either as to the goods themselves or in the wrapping of the packages in which they are contained, or the devices or words thereon, or in any other feature of their appearance, which would be likely to influence purchasers to believe that the goods offered are those of a manufacturer or dealer, other than the actual manufacturer or dealer, or who otherwise clothes the goods with such appearance as shall deceive the public and defraud another of his legitimate trade, or any subsequent vendor of such goods or any agent of any vendor engaged in selling such goods with a like purpose;

(b) Any person who by any artifice, or device, or who employs any other means calculated to induce the false belief that such person is offering the services of another who has identified such services in the mind of the public; or

(c) Any person who shall make any false statement in the course of trade or who shall commit any other act contrary to good faith of a nature calculated to discredit the goods, business or services of another.

168.4. The remedies provided by Sections 156, 157 and 161 shall apply mutatis mutandis.

X X X X

SECTION 170. Penalties. — Independent of the civil and administrative sanctions imposed by law, a criminal penalty of imprisonment from two (2) years to five (5) years and a fine ranging from Fifty thousand pesos (P50,000) to Two hundred thousand pesos (P200,000), shall be imposed on any person who is found guilty of committing any of the acts mentioned in Section 155, Section 168 and Subsection 169.1.”

The elements of the offense of trademark infringement under the Intellectual Property Code are, therefore, the following: 1. The trademark being infringed is registered in the Intellectual Property Office; 2. The trademark is reproduced, counterfeited, copied, or colorably imitated by the infringer; 3. The infringing mark is used in connection with the sale, offering for sale, or advertising of any goods, business or services; or the infringing mark is applied to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used upon or in connection with such goods, business or services; 4. The use or application of the infringing mark is likely to cause confusion or mistake or to deceive purchasers or others as to the goods or services themselves or as to the source or origin of such goods or services or the identity of such business; and 5. The use or application of the infringing mark is without the consent of the trademark owner or the assignee thereof.²⁴ (T)he key elements of unfair competition are “deception, passing off and fraud upon the public.”²⁵

State Prosecutor Ferdinand O. Fernandez, and approved by Chief State Prosecutor Jovencito R. Zuno, found probable cause to indict petitioners and that they are probably guilty thereof.²⁶ Petitioners were already arraigned and pleas of not guilty were entered in both cases.²⁷ It was after more than four years that petitioners filed an Urgent Motion to Dismiss the Criminal and Civil

Actions, which was denied by the trial court in the first assailed Order.

Well-settled is the rule that the special civil action for *certiorari* is not the proper remedy to assail the denial by the trial court of a motion to dismiss. The order of the trial court denying a motion to dismiss is merely interlocutory, as it neither terminates nor finally disposes of a case and still leaves something to be done by the court before a case is finally decided on the merits. Therefore, "the proper remedy in such a case is to appeal after a decision has been rendered."²⁸ Thus, even assuming *arguendo* that there is a factual issue regarding the alleged defect in the authentication of private complainant's Power of Attorney, the remedy of petitioners is to proceed to trial and present evidence to prove their defense regarding the alleged lack of proper authority of private complainant to institute the subject complaints against petitioners.

In the present special civil action, petitioners argue that public respondent "*xxx exceeded its jurisdiction and gravely abused its discretion amounting to lack or excess of jurisdiction in refusing to dismiss the criminal and civil actions by ignoring xxx the failure to have the special power of attorney authenticated is not merely a technicality but a question of jurisdiction.*"²⁹ They cited the case of *Heirs of Gorgonio Medina, etc. v. Bonifacio Natividad, etc.*³⁰ in support of their claim.

We are unpersuaded. The case relied upon by petitioners involves a civil complaint for annulment of transfer certificate of title and damages where, after a pre-trial and submission of the parties' respective memoranda, the validity and admissibility of Philip Natividad's Special Power of Attorney was not established in evidence. It must be stressed that here, two (2) criminal cases are pending before the trial court for violations of Sections 155.1 and 168, in relation to Section 170 of R.A. No. 8293 where petitioners, as accused therein, have been arraigned on 12 August 2009 and 30 April 2010,³¹ and trial has ensued.

(A)fter the judicial authorities have taken cognizance of the crime and instituted action in court, the offended party may no longer divest the prosecution of its power to exact the criminal liability, as distinguished from the civil.³² It is well settled that in criminal cases where the offended party is the State, the interest of the private complainant or the private offended party is limited to the civil liability. Thus, in the prosecution of the offense, the complainant's role is limited to that of a witness for the prosecution.³³

Further, as aptly found by the trial court in its first assailed Order, *viz*:

“A judicious reading of the Motions and the Comments filed by the parties will reveal that the issues and arguments therein raised have already been extensively discussed and duly considered by the Court in its previous Orders. Analogous issues on the capacity and personality of the (sic) Nikko Kabushiki Kaisha were ruled upon by the Court of Appeals in CA-G.R. SP No. 108891 and affirmed by the Supreme Court in SC-G.R. No. 194148; CA-G.R. SP No. 113213; CA-G.R. SP No. 111913; and, recently in CA-G.R. SP No. 125608 and CA-G.R. SP No. 121764 dated 19 February 2014. The same were taken by the accused in its MOTION TO DISMISS THE CASES WITH PREJUDICE which was resolved by the Court on 26 September 2013 and 03 December 2013.”³⁴

Indeed, it bears serious note that that petitioners have previously filed a petition for *certiorari* before this Court, docketed as *CA-G.R. SP No. 108891*, assailing the Orders dated 20 January 2009 and 22 April 2009 of the trial court in *Criminal Case No. 08-152923* which denied their Urgent Motion to Quash Information and motion for reconsideration. In the said Motion, they also argued that private complainant's representative, Coling, has no written authority allowing him to file any action on his behalf. The said petition was denied for lack of merit in the Decision dated 16 April 2010 of this Court (Fifth Division). It further appears that the Supreme Court sustained the same in its Resolution dated 17 January 2011 and ordered entry of judgment.³⁵

A subsequent petition was also filed with this Court, docketed as *CA-G.R. SP No. 111913*, questioning the Orders dated 15 May 2009 and 24 September 2009 of the trial court in *Criminal Case No. Q-08-152922*, wherein petitioners argued, *inter alia*, that the authority of private complainant's representative to sue has not been proved. This Court (Special Sixth Division), in its Decision dated 27 May 2010, dismissed the said petition.

In another petition for *certiorari*, docketed as *CA-G.R. No. SP No. 113213*, petitioners questioned the Resolutions dated 31 March 2009 and 28 December 2009 issued by the Department of Justice in *I.S. No. 2008-154* dismissing their petition for review and denying their motion for reconsideration with finality. The said petition was also dismissed by this Court (Twelfth Division) in its Decision dated 24 January 2013.

Petitioners also filed petitions for *certiorari* and prohibition before this Court, docketed as *CA-G.R. SP Nos. 121764* and *125608*, wherein they questioned the Orders dated 22 September 2011, 17 February 2012, 06 March 2012, 09 March 2012 and 10 May 2012 issued by the trial court in *Criminal Cases Nos. Q-08-152922* and *Q-08-152923* which: required petitioners to appear in all proceedings before the trial court; directed the issuance of a bench warrant against petitioner Go for failure to appear at the continuation of the pre-trial; denied petitioners' motion to determine the cause of action against them; granted the prosecution's verbal motion to deem waived the right of petitioners to examine, inspect and photocopy the books, documents and papers stated in the 06 March 2012 Order, *etc.*; and denied petitioners' motion for reconsideration of the Orders dated 17 February 2012, 06 March 2012 and 09 March 2012 of the trial court and forfeited the bail bond posted by petitioner Go. The consolidated petitions were dismissed by this Court (Fifteenth Division) in its Decision dated 19 February 2014, which found, *inter alia*, that: *“(t)hese motions are premised on the allegations of lack of capacity of Nikko or its representative in filing the criminal complaint and the alleged duplicity of the allegations in the two (2) Informations. At the point of being repetitive, these issues had been resolved with finality in a prior petition for certiorari filed by petitioners and the ruling therein should be the controlling legal rule between the parties in the continuation of the criminal proceedings for trademark infringement and unfair competition.”*

It appears that petitioners, through their counsel, have abused court processes.

Such filing of multiple petitions constitutes abuse of the Court's processes and improper conduct that tends to impede, obstruct and degrade the administration of justice and will be punished as contempt of court. Needless to add, the lawyer who files such multiple or repetitious petitions xxx subjects himself to disciplinary action for incompetence (for not knowing any better) or for willfull violation of his duties as an attorney to act with all good fidelity to the courts, and to maintain only such actions as appear to him to be just and are consistent with truth and honor.³⁶

Moreover, petitioners' insistent filing of numerous motions in *Criminal Cases Nos. Q-08-152922* & *Q-08-152923* is patently a ploy to delay the criminal proceedings, a reprehensible tactic that impedes the orderly administration of justice. If (petitioners) (are) truly innocent, (they) should bravely go to trial and prove (their) defense.³⁷

Considering the foregoing disquisition, We find no necessity to resolve the other matters raised by petitioners.

WHEREFORE, premises considered, the Petition is **DENIED**. The Regional Trial Court of Quezon City, Branch 93 is **DIRECTED** to proceed, without further delay, with the trial and resolution of *Criminal Cases Nos. Q-08-152922 & Q-08-152923*. Costs against petitioners.

SO ORDERED.

CELIA C. LIBREA-LEAGOGO
Associate Justice

WE CONCUR:

RAMON PAUL L. HERNANDO
Associate Justice

MELCHOR Q. C. SADANG
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

CELIA C. LIBREA-LEAGOGO
Associate Justice
Chairperson, Special Eleventh Division

¹ *Rollo*, pp. 04-18

² *Id.* at 49-51

³ *Id.* at 62

⁴ *Id.* at 205-223

⁵ *Id.* at 188 (dorsal side)

⁶ *Id.* at 180

⁷ *Id.* at 19-21

⁸ *Id.* at 20

⁹ *Id.* at 22-24

¹⁰ *Id.* at 23

¹¹ *Id.* at 08

¹² *Id.* at 09

¹³ *Id.* at 69-82

¹⁴ *Id.* at 40-44

¹⁵ *Id.* at 45-48

¹⁶ *Id.* at 49-51

¹⁷ *Id.* at 50-51

¹⁸ *Id.* at 52-58

¹⁹ *Id.* at 59-61

²⁰ *Id.* at 62

²¹ *Id.* at 10

²² *Cf.* Sangguniang Panlungsod ng Baguio City v. Jadewell Parking Systems Corporation, G.R. Nos. 160025, 163052, 164107, 165564, 172215, 172216, 173043, 174879 and 181488, 23 April 2014, citing East Asia Traders, Inc. v. Republic of the Philippines, *et al.*, 433 SCRA 716, 723-724

²³ *Cf.* Republic of the Philippines v. Transunion Corporation, G.R. No. 191590, 21 April 2014

²⁴ Victorio P. Diaz v. People of the Philippines, *et al.*, G.R. No. 180677, 18 February 2013

²⁵ Shirley F. Torres v. Imelda Perez, *et al.*, G.R. Nos. 188225 and 198728, 28 November 2012

²⁶ *Rollo*, pp. 20-21, 23-24

²⁷ *Id.* at 08

²⁸ *Cf.* Boston Equity Resources, Inc. v. Court of Appeals, *et al.*, G.R. No. 173946, 19 June 2013

²⁹ *Rollo*, p. 10

³⁰ G.R. No. 177505, 27 November 2008

³¹ *Rollo*, p. 08

³² *Cf.* Narciso Degaños v. People of the Philippines, G.R. No. 162826, 14 October 2013, citing People v. Nery, No. L-19567, 05 February 1964, 10 SCRA 244, 247-248

³³ *Cf.* Dennis T. Villareal v. Consuelo C. Aliga, G.R. No. 166995, 13 January 2014, citing Bautista v. Cuneta-Pangilinan, G.R. No. 189754, 24 October 2012, 684 SCRA 521 (further citations omitted)

³⁴ *Rollo*, p. 50

³⁵ As stated in the Decision dated 19 February 2014 in CA-G.R. SP Nos. 121764 & 125608 of the Court of Appeals (Fifteenth Division) with Associate Justice Pedro B. Corales, as *ponente*

³⁶ *Cf.* Catalina Balais-Mabanag, *etc.* v. The Register of Deeds of Quezon City, *et al.*, G.R. No. 153142, 29 March 2010

³⁷ *Cf.* Lyndon D. Boiser v. People of the Philippines, G.R. No. 180299, 31 January 2008